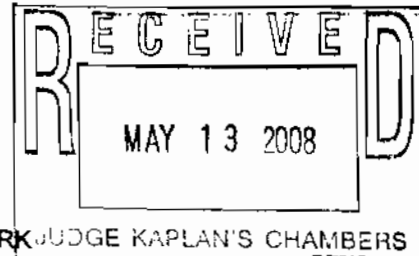


MEMO ENDORSED



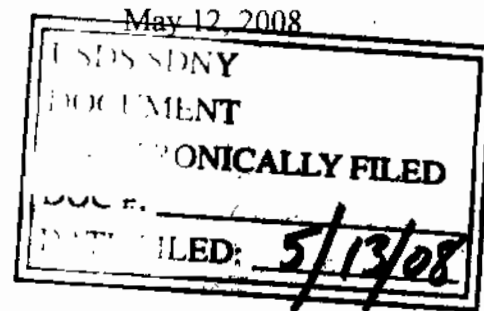
MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JUDGE KAPLAN'S CHAMBERS
BENJAMIN E. STOCKMAN
Assistant Corporation Counsel
(212) 788-1177
(212) 788-9776 (fax)
bstockma@law.nyc.gov

BY HAND

Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Willie Sumpter v. Warden Shaw, et al., 07 Civ. 5816 (LAK)
Andre Fuller v. Warden Shaw, et al., 07 Civ. 5817 (LAK)(RLE)
William Moses v. Warden Shaw, et al., 07 Civ. 5818 (LAK)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants in the above-referenced Moses case. Defendants respectfully request a clarification from the Court as to whether the Court's order of April 1, 2008, referring the above-referenced Fuller case to Magistrate Ellis for general pre-trial matters also applies to the Moses case.

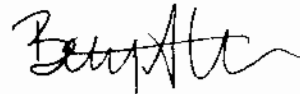
By order dated June 20, 2007, the three above-referenced cases, Sumpter, Fuller, and Moses were consolidated.¹ On March 13, 2008, defendants filed their answer in the Moses case. However, according to a review of the docket sheets in these matters, the Moses defendants' answer appears on the docket sheet of the lead case of the consolidation, Sumpter, which has been dismissed, and does not appear on the docket sheet of the Moses case, despite the fact that the answer was filed under docket number 07 Civ. 5818. A review of the docket sheets also reveals that the Fuller case was referred to Magistrate Judge Ellis for pre-trial purposes, and that Judge Ellis scheduled an initial conference for May 15, 2008 at 11:00 a.m. While these matters were consolidated, there is no entry on the Moses docket sheet indicating that this case

¹ The Sumpter case was subsequently dismissed on September 27, 2007.

was also referred to Judge Ellis for pre-trial supervision. After inquiring with Judge Ellis' chambers regarding these matters, it was suggested that I write Your Honor for clarification. Accordingly, the Moses defendants respectfully request that the Court clarify whether the Moses case has also been referred to Judge Ellis.

I thank the Court for its time and consideration of this matter.

Respectfully submitted,



Benjamin E. Stockman
Assistant Corporation Counsel
Special Federal Litigation Division

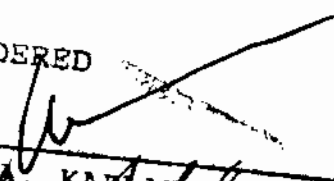
cc: Mr. William Moses (by First Class Mail)
Moses, plaintiff *pro se*
#07-A-6463
Gowanda Correctional Facility
P.O. Box 311
Gowanda, NY 14070-0311

Mr. Andre Fuller (by First Class Mail)
Fuller, plaintiff *pro se*
#07-A-3236
Fishkill Corr. Facility
Box 1245
Beacon, NY 12508

Caryn Rosencrantz, Esq.
Fuller, attorney for defendants
Office of the Corporation Counsel
100 Church Street
New York, NY 10007

*However, the referral
applied to all consolidated
cases*

SO ORDERED


LEWIS A. KAPLAN, USDC